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GLAWCAL COMMENT

COMMERCIAL INTERESTS AND THE RIGHT TO WATER

Based on:

**Cernic, Jernej Letnar. Corporate
Accountability under Socio-Economic
Rights. Transnational Law and Governance.
Abingdon, Oxon: Routledge, 2019.**

Water is essential for all our lives. Therefore, access to clean water is one of the most important rights for human beings. Jernej Letnar Čerňič, in his chapter “Corporate human rights obligations under specific socio-economic rights,” writes that stable and easy access to water contributes significantly to the quality of life. In his assessment he echoes a problem UNICEF and the WHO have long been denouncing; both organizations estimate that more than 600 million people in the world still have no access to clean drinking water. Although we live in a state of progress, the UN fears that by 2025 only half of the world’s population will have stable and safe access to drinking water. Growing population pressure, especially in Asia and Africa, as well as climate change are putting increasing pressure on this resource. While some companies are trying to ensure that access to water continues to expand, natural limitations and the high demand for water give rise to some drawbacks. For example, the ever-increasing privatization of this vital resource leads to the exclusion of many people. In water-poor regions, springs are tapped and used commercially, which is extremely problematic. Under these premises, state governments themselves cannot guarantee their citizens a sufficient supply of water as companies hold most of the control power. Do companies have a duty to respect and protect the right to water, Čerňič asks. Čerňič recognizes that companies can greatly influence access to clean drinking water. However, if we accept the premise that access to clean drinking water is a basic need and a human right, is it right to trade with it? Additionally, the growing economy and lack of adequate regulations in developing countries keep attracting companies, this, in turn, contributes to increasing levels of water pollution—worsening the water shortage problem. Thus, products indirectly cause great damage to natural drinking water reservoirs and make the regional population’s access to drinking water disappear. Much of the water pollution comes from agriculture, which contaminates groundwater with pesticides and fertilizers. Likewise, the ever-increasing masses of garbage pollutes seas and groundwater—rainwater seeps through the mountains of garbage and contaminates the groundwater. Not to mention the amounts of water that are wasted daily. Clearly, resources are distributed unequally. Not only companies, but also private individuals contribute significantly to this disparity. Čerňič notes that companies, as both suppliers and users of water resources, play a particularly important role in water use in the world. It is therefore paramount that companies are held responsible. The only question is, as Čerňič says, to what extent they have a positive obligation.



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